



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2208852  
**Applicant Name:** David Chenoweth  
**Address of Proposal:** 2300 South Judkins Street

**SUMMARY OF PROPOSED ACTION**

Master use permit to establish use for the construction of three (3), two-unit townhouses and one (1) single family dwelling. Parking for eight (7) vehicles will be provided at ground level under the units. The project includes approximately 381 cubic yards of grading.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**      ☐ DNS      ☐ MDNS      ☐ EIS  
                                         ☒ DNS with conditions  
                                         ☐ DNS involving non-exempt grading, or demolition, or  
                                         another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

The 8,731 square foot property is located at the northeast corner of the intersection of South Judkins Street and 23<sup>rd</sup> Avenue South. Both South Judkins Street and 23<sup>rd</sup> Avenue South are improved with concrete curbs, gutters, planting strips and sidewalks along both streets. The site is vacant and is covered with grass, weeds, several shapeless shrubs and one small coniferous tree. Two (2) 5" oak street trees exist in the 23<sup>rd</sup> Avenue South planting strip.

The subject property is located in a Multi-family Lowrise 2 zone (L-2), which continues to the north and west. Across South Judkins to the south and the west half of the alley is a LDT zone. Across South Judkins to the south and the east half of the alley is a SF 5000 zone.

### Proposal

The applicant proposes to construct three two-unit townhouse buildings and a single family dwelling with vehicle access from the alley to the east. Parking for each unit will be provided within the building. An application for a unit subdivision has been submitted separately.

### Public Comments

The public comment period for this project ended on July 9, 2003. One comment opposing the project was received; concerns were voiced about the trend for dense development in the neighborhood, construction of structures not per the approved plans and increased traffic.

### **ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated May 27, 2003 and reviewed by the Land Use Planner. The information in the checklist submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget

Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the residential density, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

### Noise

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m., Saturdays from 9:00 A.M. to 6:00 P.M. This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work (e.g., installation of landscaping) after approval from DCLU.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality.

### Earth/Soils

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Any additional information required to show conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Traffic

The sites must be excavated to construct the proposed structures. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

Existing City Code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62. Therefore, no additional traffic-related conditioning is warranted pursuant to SEPA policies.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

#### Parking

There will be increased parking demand created by the project. The project will provide parking for 7 vehicles. Adequate parking is provided for the proposed project.

#### Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. Setbacks, modulation requirements and roof pitch requirements are being met. Open space is being provided as prescribed in the Land Use Code. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

#### Summary

The Department of Design, Construction and Land Use has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

☐ [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITIONS – SEPA**

#### **Conditions of approval during construction**

1. The hours of construction shall be limited to non-holiday weekday hours between 7:30 a.m. and 5:00 p.m., Saturdays from 9:00 A.M. to 6:00 P.M.

Signature: (signature on file) Date: November 6, 2003

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Department of Planning and Development  
Land Use Services